

IN RE: PETITION FOR SPECIAL HEARING
1170' SE of the intersection of
Old York Road & Stockton Road
(15001 Old York Road)
10th Election District
3rd Councilmanic District
Sewell A. Brown, III
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-104-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the subject property, Sewell A. Brown, III. The Petitioner requests approval of the continued use of two tenant houses on the subject property, zoned R.C. 2, pursuant to Section 1A01.2.B.7.i of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Sewell A. Brown, III and his wife, Christina P. Brown, property owners, David. S. Thaler with D. S. Thaler and Associates, Inc., and George B. Stump, nearby property owner. The Petitioner was represented by Benjamin Bronstein. There were no Pro-estants present.

Testimony indicated that the subject property, known as 15001 Old York Road, consists of 53.6138 acres, more or less, zoned R.C. 2 and is improved with two tenant houses and several outbuildings. Said property, also known as Springmeade Farm, was purchased earlier this year by the Petitioner who is desirous of establishing a working horse farm on the site. Testimony indicated that Mr. Brown has been diligently renovating and restoring the farm, which was in poor condition at the time of his purchase, to operating condition. Testimony revealed that Mr. Brown has invested considerable sums of money in the property and intends to eventually build a two-story residence for himself and his family. Mr. Brown

filed the instant Petition to continue utilizing the two existing tenant houses as part of the horse farming operation. One of the tenant houses is the original farmhouse which has existed on the property for many years. Mr. Brown has been renovating this building for use as his residence. Testimony indicated that Mr. Brown plans to eventually use both tenant houses as the residences for the caretakers of the property, one for the manager of the horse farm, and the other for the caretaker of the entire property. Mr. Brown also proposes to construct a new two-story dwelling for himself and his family at some point in the future and wishes the flexibility to relocate the existing farmhouse to another area of the property, once the new residence is constructed. Testimony revealed that Mr. Brown and his wife spend part of the year away from the property in Florida. As a result, the Petitioners believe it is even more necessary to maintain the two tenant houses as living quarters for the manager of the horse farm and the caretaker of the farm.

In the opinion of this Deputy Zoning Commissioner, the Petitioner has demonstrated sufficient justification for maintaining two tenant houses on the subject property, in addition to his own residence, once that residence is constructed. Also, pursuant to this hearing, the Petitioner shall be permitted to relocate the existing farmhouse to an appropriate site on the subject property once he desires to do so. Mr. Brown, however, shall be required to obtain all the necessary approvals and permits from Baltimore County prior to said relocation. Once that determination has been made, his engineer, Mr. Thaler, need only to submit to this office a revised site plan showing the new location of the old farmhouse.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would re-

sult if the relief requested in the special hearing were not granted. The Petitioner has demonstrated the need to maintain the two tenant houses on the subject property, in addition to a proposed new dwelling. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of October, 1993 that the Petition for Special Hearing to approve the continued use of two tenant houses existing on the subject property, zoned R.C. 2, pursuant to Section 1A01.2.B.7.i of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

ORDER RECEIVED FOR FILING
Date 10/27/93
By [Signature]

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 10A Date of Posting: 9/19/93
Posted for: Special Hearing
Petitioner: S.A. Brown
Location of property: 15001 Old York Rd., 5th Councilmanic District, 10th York Rd.
Location of Signs: Along the way, on property of Petitioner
Remarks: [Signature]
Posted by: [Signature] Date of return: 10/1/93
Number of Signs: [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept 16, 1993
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 16, 1993.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 111, Courthouse
400 Washington Avenue
Towson, MD. 21204

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
1170' SE of the intersection of Old York Road & Stockton Road
(15001 Old York Road)
10th Election District
Sewell A. Brown, III, et al. Petitioners
Case No. 94-104-SPH

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached order.

In the event any party finds the decision rendered in the above-captioned matter, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information regarding filing an appeal, please contact the Zoning Administration and Development Management Office at 862-1391.

[Signature]
TIMOTHY M. KIRKCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Sewell A. Brown, III
1402 Aintree Road, Towson, MD. 21206

Mr. George B. Stump
204 E. Joppa Road, Towson, Md. 21206

Mr. David S. Thaler
7115 Ambassador Road, Baltimore, Md. 21244

People's Counsel
[Signature]

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 15001 Old York Road
which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the continued use of two existing tenant houses in an RC-2 zone, in accordance with Section 1A01.2.B.7.i.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Lessor:
Type or Print Name
Signature
Address
City State Zipcode

Legal Owners:
S.A. Brown
Type or Print Name
Signature
Address
City State Zipcode

Attorney for Petitioner:
Scott Hunsicker
Type or Print Name
Signature
Address
City State Zipcode

2001 Aliceanna Street 342-1111
Baltimore, MD 21231-2001

Alan E. Scoll (D.S. Thaler & Assoc., Inc.)
Name
7115 Ambassador Road 944-3647
Address
Baltimore, MD 21231-2001

ESTIMATED LENGTH OF HEARING
unresolvable for Hearing
the following date: Next Two Months
ALL OTHER DATE
REVIEWED BY: DATE

"SPRINGMEADE FARM" 15001 OLD YORK ROAD 94-104-SPH 10th ELECTION DISTRICT OF BALTIMORE COUNTY (PROPERTY DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning for the same at a stone (found) approximately 1170 feet southeast of the intersection of Old York Road and Stockton Road; thence, running

1. South 49°03'13" East 1117.11 feet to a capped bar set; thence,
 2. South 38°10'43" East 511.64 feet to a capped bar set; thence,
 3. South 46°36'56" West 179.15 feet to a capped bar set; thence,
 4. North 85°22'05" West 2380.51 feet to a capped bar set on the East side of Old York Road, a 70 foot wide right-of-way, as now widened, thence binding on the East side of said road,
 5. Northeasterly 116.41 feet by a curve to the right, having a radius of 3590.00 feet and a chord bearing North 09°35'54" East 116.41 feet to a point; thence,
 6. North 10°31'39" East 1200.46 feet to a point; thence,
 7. South 78°14'13" East 1127.85 feet to the point of beginning
- Containing 53.6138 acres of land, more or less.



DECLARATION

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY that on this 26th day of March, 1993
before me, the subscriber, a Notary Public in and for the State and County
aforesaid, personally appeared S.A. Brown and having been duly sworn,
states as follows:

1. That he is the contract purchaser of 53.61 acres of land, more or less, located at 14905, 14915, 15001 Old York Road in the 10th Election District of Baltimore County which is a part of a 105.13 acre parcel of land, more or less, which was acquired on January 31, 1989 by deed dated January 31, 1989 and recorded among the Land Records of Baltimore County in Liber SM, No. 8091, folio 111, a copy of which is attached hereto.
2. That the primary use of the aforementioned property will be that of a farm as defined in Section 101 of the Baltimore County Zoning Regulations.
3. That the contract purchaser in accordance with an application for building permit will construct one (1) principal dwelling and associated appurtenant structures.
4. That any tenant houses which are to remain pursuant to any approval and/or permit issued by Baltimore County will be occupied at all times by a farmer(s) whose principal vocation(s) will be farming of the above described property.
5. With regard to the retention of any tenant house, I understand that I cannot transfer ownership of said tenant house separate and apart from a conveyance of all of the 53.61 acre lot described in paragraph No. 1 hereof without, prior thereto, complying with the requirements of the subdivision regulations. I understand that any transfer or conveyance of a part of the property on which is located a tenant house for which an

**PETITIONER'S
EXHIBIT 1**

LEASE AGREEMENT

THIS LEASE is made this 21st day of June, 1993 between S. A. Brown, III, 2001 Alicanna Street, Baltimore, Maryland 21231 (hereinafter called "Landlord") and Marshall A. Elkins, 2817 Pocock Road, Monkton, Maryland 21111 (hereinafter called "Tenant").

SECTION 1

DEMISE; RENT

Landlord does hereby rent to Tenant, and Tenant does hereby lease from Landlord, a portion of the premises known as 15001 Old York Road, Phoenix, Maryland, consisting of the following: (a) tenant house known as 14915 Old York Road, and (b) use of the north and south front fields on Old York Road for the purpose of raising Polo horses, (hereinafter called "Premises") for the term of three (3) years, beginning on the 1st day of July, 1993, and ending on the 30th day of June, 1996, for the sum of Dollars per year, payable in equal monthly payments of each in advance on the first day of each month, without demand, plus a percentage rent set forth in Section 2, hereof. In the event that the first day of the term is not the first day of a calendar month, Tenant shall pay on the first day of the term a pro rata amount for the period until the end of that month.

SECTION 2

PERCENTAGE RENT

Tenant is leasing the Premises for the purpose of raising and training horses for use in Polo matches. Tenant, as percentage rent hereunder, shall, during the term hereof, pay to Landlord the amount of received from the sale of any horse for the amount or greater. In addition, Tenant shall pay to Landlord the amount of of any profit received by Tenant in holding or conducting Polo matches or related events on the Premises. Landlord shall have the right to conduct an audit of the books and records of Tenant with regard to the business transactions of Tenant covered under the paragraph to ascertain the amount of percentage rent due to Landlord.

SECTION 3

ADDITIONAL RENT

Tenant, in addition to the amounts set forth above in Sections 1 and 2, shall pay to Landlord the amount of per month for each stall used by Tenant in Landlord's two barns, located adjacent to the portion of Landlord's property leased by Tenant. The additional rental amount shall only cover the use of the stall itself, and shall not

**PETITIONER'S
EXHIBIT 3**

**WATERFOWL & WILDLIFE
MANAGEMENT PLAN**

Springmead Farm
Phoenix, Maryland

July, 1993

Prepared by:
Resource Management, Inc.

**PETITIONER'S
EXHIBIT 4**



8. DEVELOPMENT/USE: Springmeade Farm

9. APPLICANT/OWNER: S.A. Brown
c/o Wal-Mart's Corporation
2001 Silverstone Court
Baltimore, Maryland 21221
Tel: (410) 342-3311

10. PROPERTY REFERENCES:
Map No. 27
TAX ACCOUNTING NO. 22-00-0011
TAX MAP: 18 GRID: 15 PARCEL NO. 1
MC MAP: 15 GRID: MC-2-99

11. PLANNED BY: S.A. Thaler & Associates, Inc.
7114 Ambassador Road
Baltimore, Maryland 21244
(410) 642-3477

12. OWNER: ATTY: Alan R. Swoll, S.A.A.

13. GENERAL DATA: Election District: 10
Census Tract: 4101
Constitutional District: 3
Metropolitan: 5
Submetropolitan: 41

14. SITE INFORMATION:
A. Net Tract: 81.99 ac. ± (by survey)
Net acreage = Net Tract - Proposed Right of Way
= 81.99 ac. ± - 0.38 ac. ±
= 81.61 ac. ±
Gross acreage = 83.41 ac. ± (1316 Feet X 26'± = 0.30)
= 84.91 ac. ±

15. Siting
Existing Siting: RC-2
1 proposed S.P. Swelling
2 existing tenant houses

16. C. Parking
Required: 2 spaces/unit
Proposed: 2 spaces/unit (6 spaces total)

17. UTILITIES: Private well and septic will be provided.
The existing use is residential/agricultural
The proposed use is residential/agricultural

18. USES: There are no known historical, archaeological, critical areas, archaeological sites, underground water, or hazardous materials on the site.

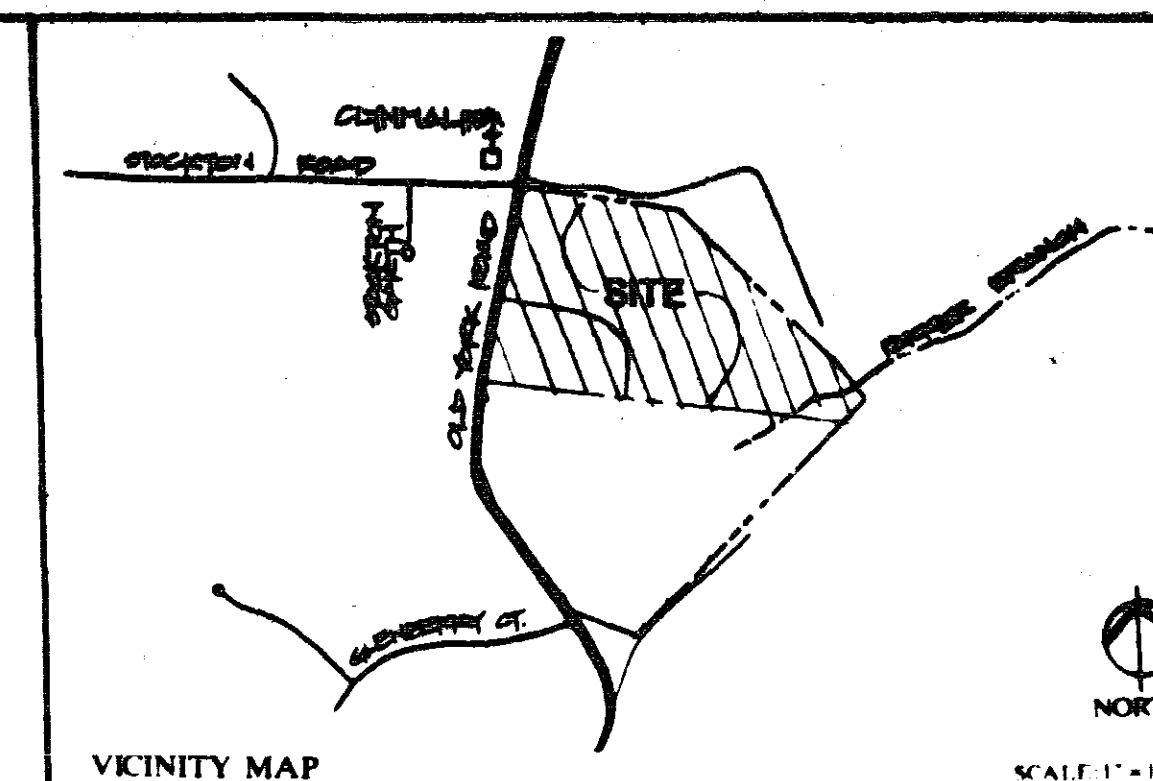
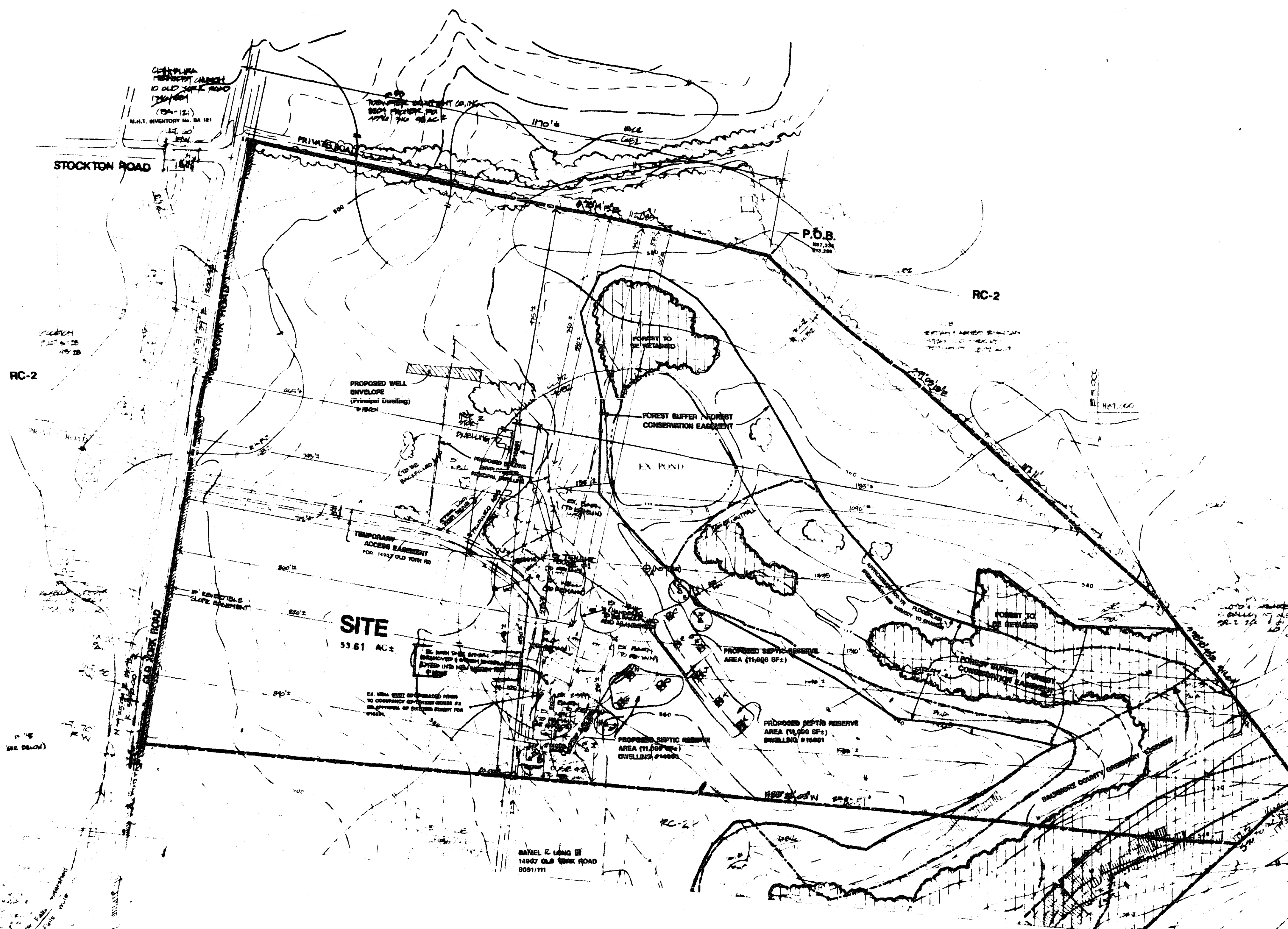
19. ROADS: Interior drives are private.

20. STORAGE TANKS: No existing underground fuel storage tanks were found on site.

21. REFERENCES: Floodplain
Map of Baltimore from Baltimore County 100 Scale
Topography Survey date 1959 (WB-22 56C)
Boundary Survey: D.S. Thaler & Associates, Inc.
Date: 11/2/1992
Notes: U.S.D.A. - Baltimore County Map 10-8

22. Disposition of existing walls noted on the Plan. Work on existing walls must be completed prior to building permit approval.

23. Future signs shall conform with S.413 B.C.R.C. and all zoning regulations.



SOLIS		LIMITATIONS		
TYPE:	CLASS:	WORKS WITH BACKFLOWS:	STREETS:	FILTER FIELDS:
Balle RAA	D	Severe: High water	Severe: High water	Severe: High water
Chester CCR2	B	Slight	Moderate: Slope	Slight
Ellink FNC2	B	Moderate: Slope	Severe: Slope	Moderate
EXR2		Slight	Moderate: Slope	Slight
Glenald GAB	B	Moderate: Slope	Moderate: Slope	Slight
GOC2		Moderate: Slope	Severe: Slope	Moderate: Slope
GOC1		Moderate: Slope	Severe: Slope	Moderate: Slope
Glenville GNB	C	Severe: High water	Severe: High water	Severe: High water
Hatboro HH	D	Severe: High water	Severe: High water	Severe: High water
Manor MBR2	B	Slight	Moderate: Slope	Slight
MBR2		Moderate: Slope	Severe: Slope	Moderate: Slope
MBR1		Moderate: Slope	Severe: Slope	Moderate: Slope
MBD1		Severe: Slope	Severe: Slope	Severe: Slope
MC2		Moderate: Slope	Severe: Slope	Moderate: Slope
MC2		Severe: Slope	Severe: Slope	Severe: Slope

AST &

SPRINGMEADE FARM

94-104-SPH

FOREST CONSERVATION REQUIREMENTS
HAVE BEEN MET BY RETAINING 55AC1 OF FOREST

NET TRACT AREA

A TOTAL TRACT AREA
D AREA WITHIN 100 YEAR FLOODPLAIN
C AREA TO REMAIN IN AGRICULTURAL PRODUCTION
D NET TRACT AREA

LAND USE CATEGORY

E AGRICULTURE THREE-HOLD/ACRES
F CONSERVATION THREE-HOLD/ACRES

D = 10%
D = 80%

E = A/10 AC
F = 10/8 AC

BUILDING FOOTPRINT COVER

A BUILDING FOOTPRINT COVER (EXCLUDING FLOODPLAIN)

G = D/8 AC

PROPOSED FOREST CLEARING

L TOTAL AREA OF FOREST TO BE CLEARED
M TOTAL AREA OF FOREST TO BE RECLAIMED

L = 0
M = 0/8 AC

PLANTING REQUIREMENTS

N TOTAL AGRICULTURE/CONSERVATION ? REQUIRED
T = 0

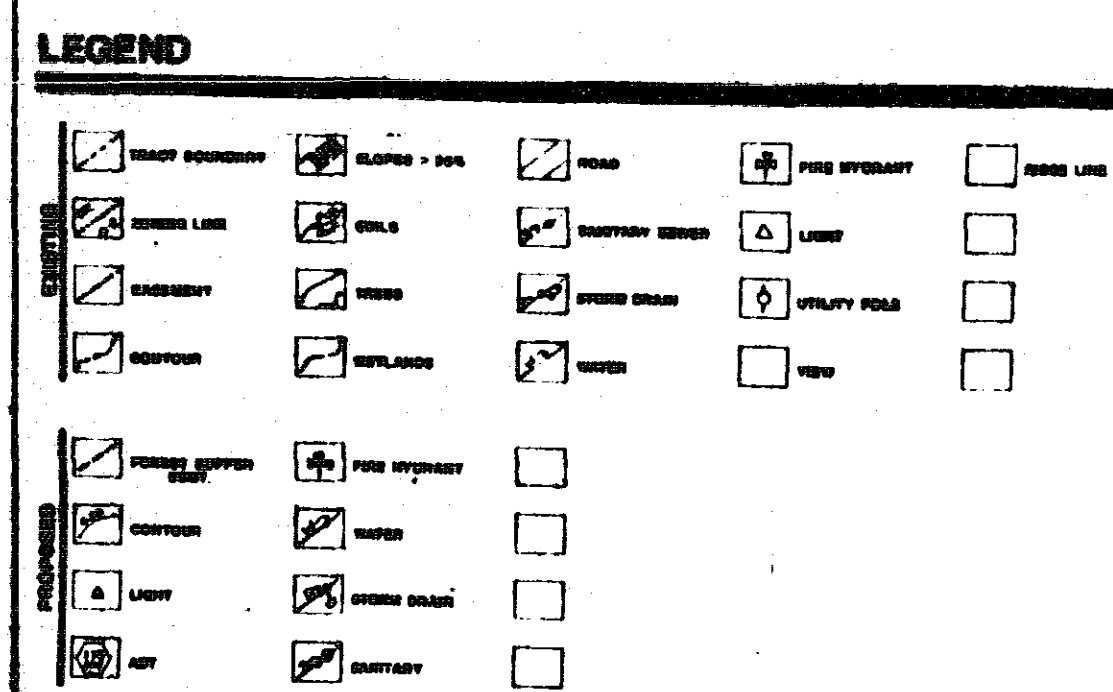
NOTE

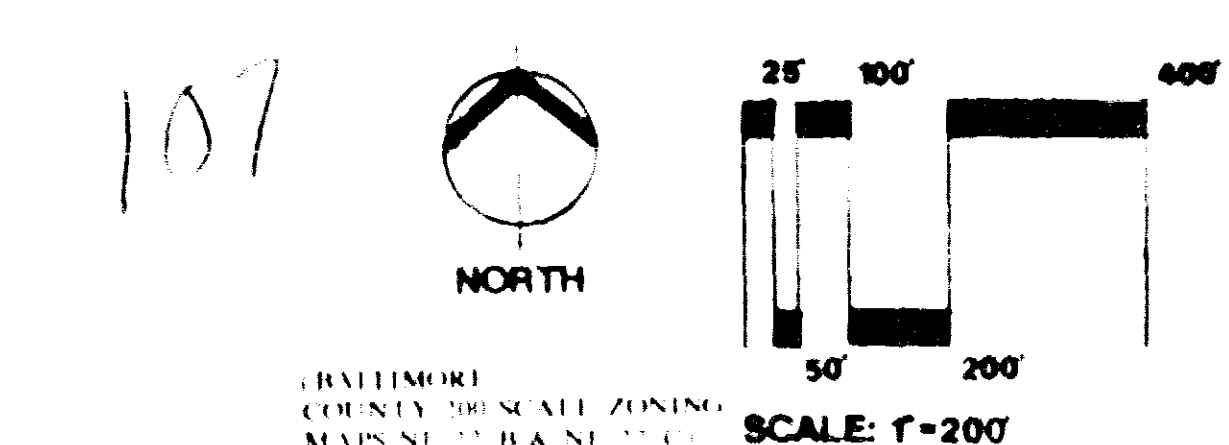
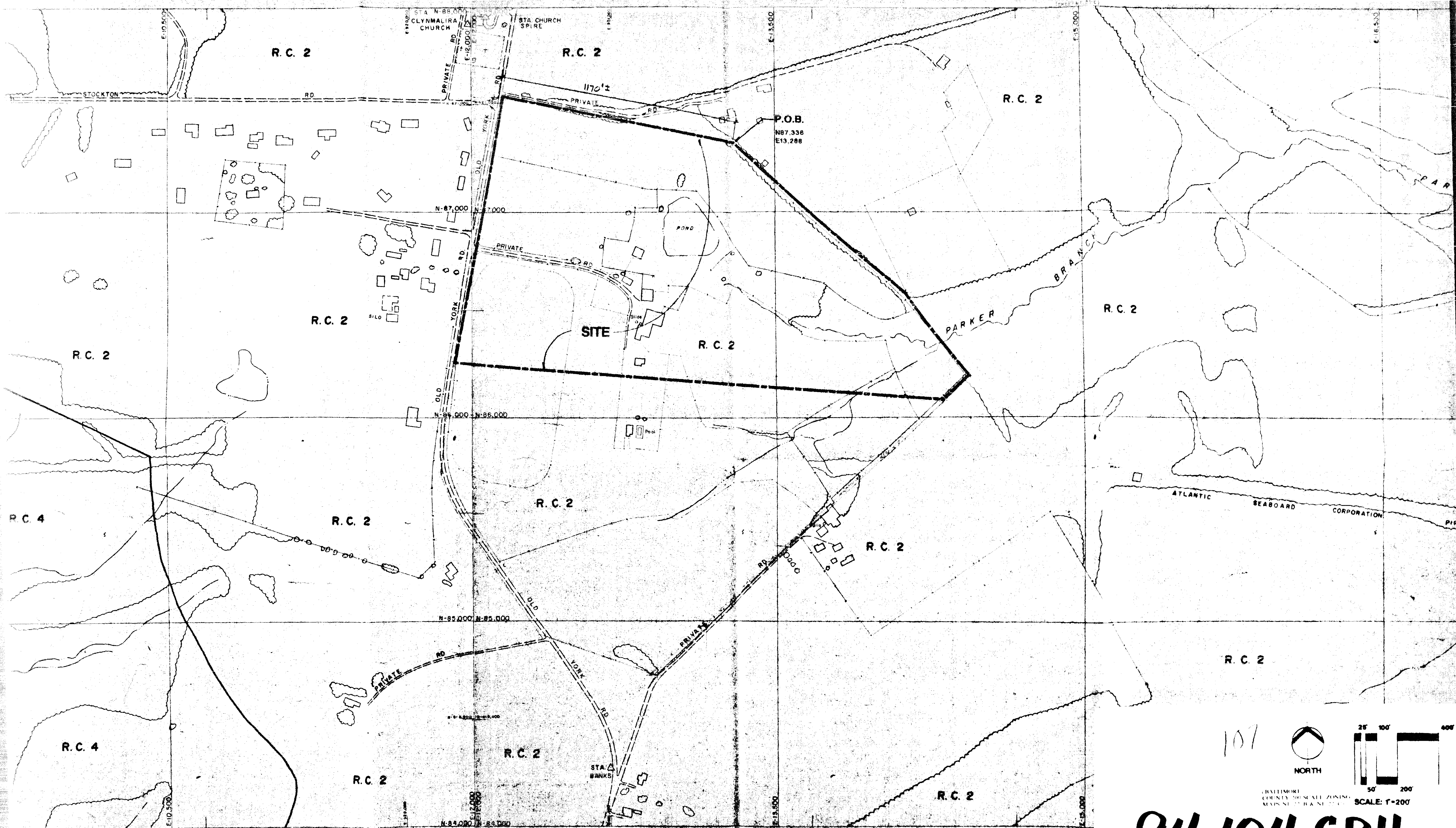
THIS PARCEL WAS ORIGINATED BY A
MINOR SUBDIVISION APPROVED BY
DADE COUNTY 2/25/43
(43-051-M) AND RECORDED IN
BOOK 9001 PAGE 607 OF THE
DADE COUNTY LAND RECORDS.

OWNER: S.A. BROWN C/O THE BELT'S CORPORATION 2001 ALICEANNA STREET BALTIMORE, MD 21231 (410) 342-1111	SPRINGMEADE FARM PLAN TO ACCELERATE PETITION FOR A SPECIAL HEARING
REVISIONS 107	(SPRINGMEADE FARM) MINOR SUBDIVISION APPROVED 5-25-93, PROJECT #93-031 (B)
DATE: 7-4-93 SCALE: 1"=100' C.I.: 5'	ELECTION DISTRICT: 10 CENSUS TRACT: 4101 COUNCIL DISTRICT: 3

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21207
(410) 844-3647

P.N.: 1414





<p>1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992</p> <p>Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92, 190-92</p> <p><i>William H. H. H.</i> Chairman, County Council</p>	<p>SCALE 1" = 200' ±</p> <p>DATE OF PHOTOGRAPHY JANUARY 1986</p>	<p>LOCATION SOUTHWEST CLYNMALIRA CHURCH</p>	<p>SHEET N.E. 22-B</p>	<p>1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992</p> <p>Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92, 190-92</p> <p><i>[Signature]</i> Chairman, County Council</p> <p>THIS MAP HAS BEEN REVISED IN SELECTED AREAS PHOTOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY SUCHART-HORN, INC. BALTIMORE, MD. 21215</p>	<p>BALTIMORE OFFICE OF PLANNING OFFICIAL ZONING MAP</p>
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94-104-SPH

100-SCALE ZONING MAP TO ACCOMPANY PETITION FOR A SPECIAL HEARING
SPRINGMEADE FARM

D.S. THALER AND ASSOCIATES, INC.
1115 AMBASSADOR ROAD, BALTIMORE, MARYLAND 21204
(410) 524-1111